



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PROPOSAL TO REVISE MULTICHANNEL MULTIPOINT DISTRIBUTION SERVICE AND THE INSTRUCTIONAL TELEVISION FIXED SERVICE RULES (RM-10586)

Comment Date: November 14, 2002

Reply Date: November 21, 2002

The Wireless Telecommunications Bureau (Bureau) seeks comment on a recently filed paper entitled, "A Proposal for Revising the MDS and ITFS Regulatory Regime," submitted by the Wireless Communications Association International, Inc., the National ITFS Association and the Catholic Television Network ("proponents") on October 7, 2002. The proponents represent that the proposal reflects a consensus among the author organizations regarding suggested comprehensive rule changes for the Multichannel Multipoint Distribution Service ("MMDS") and the Instructional Television Fixed Service ("ITFS"). The Bureau is seeking comment to facilitate its evaluation of the recommendations.

By way of background, MMDS and ITFS stations are authorized in the 2150-2162 MHz and 2500-2690 MHz bands. The services have traditionally been used to provide one-way video services, and most frequencies from 2500-2690 MHz have been licensed in groups of four 6 MHz channels. In 1998, the Commission adopted rules allowing MMDS and ITFS licensees to provide two-way services.¹ In 2001, the Commission established a mobile allocation in the MMDS and ITFS band.² The proposal states that further rule changes are needed to facilitate provision of two-way fixed and mobile services, while allowing others to continue to provide one-way video services. The stated goals of the proposal are:

- Eliminate site-by-site licensing requirements for MMDS and ITFS licensees;
- modify interference protection rules to facilitate deployment of two-way cellular wireless services;
- segregate high-power and low-power operations into separate hand segments to avoid mutual interference;
- consolidate licensed channels into contiguous blocks, replacing the existing interleaved licensing approach;
- remove regulatory underbrush and conform the MMDS/ITFS rules to those applicable to other services administered by the Bureau, particularly geographically licensed flexible use services.

¹ See Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions. *Report and Order*, MM Docket No. 97-217, 13 FCC Rcd 19112 (1998).

² Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Service to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems, *First Report and Order and Memorandum Opinion and Order*, ET Docket No. 00-258, 16 FCC Rcd 17222 (2001).

The proposal suggests a variety of changes to the service rules applicable to MMDS and ITFS licensees, urges the Commission to suspend build-out requirements for all MMDS and ITFS licensees, and offers suggestions for disposing of mutually-exclusive ITFS applications. The Bureau seeks comment on these suggestions, including any alternatives.

Interested parties may file comments on or before November 14, 2002, and reply comments on or before November 21, 2002. Parties should refer to RM-10586 and the DA number of this Public Notice, in their submissions. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-A325, Washington, D.C. 20554. A copy of each response also should be sent to Qualex International, 445 12th Street, SW, Room CY- B402, Washington, DC, 20554, 202-863-2893, and to Charles M. Oliver, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 Twelfth Street, S.W., Room 4-C367, Washington, D.C. 20554.

The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only by the Commission's contractor, Vistrionix, Inc., at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering 236 Massachusetts Avenue, N.E. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, Public Notice, 16 FCC Rcd 22165 (2001).

Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. As the Commission has not yet begun a rulemaking proceeding in this matter, this inquiry is exempt from the Commission's *ex parte* rules, but all information will be made available to the public unless confidential treatment is sought and granted.

Copies of the proposal and all responses to this Public Notice will be available for inspection and copying during regular business hours in the Reference Information Center (RIC) of the Consumer Information Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Room CY-A257, Washington, D. C. 20554. Copies may also be obtained from Qualex. In addition, the proposal is available at <http://www.fcc.gov/e-file/ecfs.html>. For further information regarding the public reference file, please contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1350.

For further information, please contact Charles M. Oliver, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau at (202) 418-1325, TTY (202) 418-7233.

By the Deputy Chief, Wireless Telecommunications Bureau

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